

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KATALIN HORVATH,

Petitioner,

v.

INS,

Respondent.

1:05-cv-00041-REC-TAG HC

ORDER GRANTING MOTION FOR
EXTENSION OF TIME TO FILE ANSWER
TO ORDER TO SHOW CAUSE (Doc. 22)

Petitioner is detained by the United States Bureau of Immigration and Customs Enforcement (“BICE”) and is proceeding with a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. (Doc. 1). The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72-302.

In her petition, Petitioner alleges that her detention pursuant to 8 U.S.C. § 1231(a)(2) is indefinite and violates her constitutional rights. Petitioner also asserts that her detention is in violation of Respondent’s statutory authority. (Doc. 1, Attachment, pp. 6-7; Doc. 5, pp. 1-3; Doc. 9, p. 11).

On March 29, 2005, the Court issued an order requiring respondent to show cause why the petition should not be granted. (Doc. 18). The order required that respondent file an answer within forty-five days, or by May 18, 2005. (Doc. 18). On May 14, 2005, respondent filed a request for an extension of time of forty-five days, until July 1, 2005, within which to file its answer. (Doc. 22).

1 The Court finds good cause for granting a limited extension of time for respondent to respond
2 to the order to show cause; however, in the Court's view, forty-five days is excessive. Accordingly,
3 the Court will grant an extension of time of twenty (20) days, until June 8, 2005, within which
4 respondent must file its response to the order to show cause.

5 **ORDER**

6 Accordingly, IT IS HEREBY ORDERED that:

7 Respondent's request for an extension of time to file a response to the order to show cause
8 (Doc. 22), is HEREBY GRANTED IN PART. Respondent is granted an extension of time of twenty
9 (20) days, until June 8, 2005, within which to file its response to the order to show cause.

10
11 IT IS SO ORDERED.

12 **Dated: May 19, 2005**
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/s/ Theresa A. Goldner
UNITED STATES MAGISTRATE JUDGE